

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WENDELL D. TAYLOR, JR.,

Plaintiff,

v.

MICHAEL L. HOLMES, *et al.*,

Defendants.

Case No. 02-cv-4232-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Stipulation for Dismissal (Doc. 141) filed by plaintiff Wendell D. Taylor, Jr. and defendants Mark T. Litherland (“Litherland”) and Wexford Health Sources, Inc. (“Wexford”). Because Federal Rule of Civil Procedure 41(a)(1) addresses stipulations for dismissal filed by *all* parties who have appeared and speaks only of dismissing “an action,” not dismissing selected defendants, the Court construes the stipulation as an agreed motion to voluntarily dismiss with prejudice pursuant to Rule 41(a)(2) all claims in this case against defendants Litherland and Wexford. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment or in the absence of a stipulation of dismissal of the entire action signed by all parties who have appeared. The Court hereby **GRANTS** the motion to dismiss (Doc. 141), **DISMISSES with prejudice** all claims in this case against defendants Litherland and Wexford, and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Defendants Litherland and Wexford are terminated from this action.

IT IS SO ORDERED.

DATED: November 17, 2005

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE